IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Notice of Motion No.32 of 2007
in
Writ Petition No. 847 of 2004

Rauf Lanjekar and Anr. ...Petitioners.

vs

The State of Maharashtra & Ors. ...Respondents

Mr. A.A.Kumbhkoni Associate Advocate General
with Mr S.R. Nargolkar AGP, for the applicants.

Mr. Walawalkar Senior Advocate with Mr S.R.Datar
for original petitioners.

Mr Karnik for Reliance Enterprises – developer.

Mr. Deshmukh for respondent No.5

Ms Leena Patil for noticee under notice.

CORAM: H.L.GOKHALE, Acg C.J. &
J.P. DEVADHAR, J.

DATE: JANUARY 22, 2007.

P.C.:-

Heard Mr. Kumbhakoni, learned Associate Advocate General in support of the State Government, which has taken out the above notice of motion. Mr. Walawalkar, appears for the original petitioners in Writ Petition No. 847 of 2004.

What has happened is that in Writ Petition No. 847 of 2004, the petitioners made two fold prayers. They were with respect to the development of certain slum property situated at Oshiwara. The original petitioners were apprehensive that the property will be developed by one Chintan Coop Housing Society, to which they were opposed. They wanted the property to be developed through the S.R.A Scheme and it is for that purpose that the said petition was filed.

After hearing all concerned, the Division Bench to which one of us (H.L.Gokhale J.) was a party, passed the order on 29th April 2006 wherein a statement of the then Government Pleader Mr. R.M.Sawant was recorded that the State will develop the said property and will not pass it on to any third developer. The petition was disposed of accordingly. The present motion prays that the State be relieved of that statement, because the plot concerned on which the original petitioners were residing alongwith other slum dwellers is a small one and the Government found it uneconomic to develop it separately. An affidavit in support of the notice of motion is filed showing as to how the plot is proposed to be be developed and the developer has agreed to take care of this piece of land and the present situation thereon. Mr. Karnik,

learned counsel appears for the developer who is going to take over the work and he confirms these statements.

Mr.Walawalkar, appearing for the original petitioners has no objection to the State being relieved of the said statement made earlier. He however, makes a request that the transit accommodation are required to be made at the earliest and the project should be completed within a stipulated period. Mr. Karnik, made a statement that the project will be completed within a period of thirty months and we hope that it is completed expeditiously as assured. In the meanwhile arrangement for transit accommodation be made so as to cause least inconvenience to the occupants of the said plot.

In the result the present motion which prays that the State be relieved of its statement which was recorded in our order dated 29th April 2004 is granted as per prayer clause (a). The State is also directed to take steps in accordance with prayer clause (b) of the motion.

ACTING CHIEF JUSTICE

J.P. DEVADHAR, J.